

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRANKLIN OLIVARES,

Petitioner,

-against-

ALBERTO GONZALES and IMMIGRATION AND
NATURALIZATION SERVICES,

Respondents.
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ROSS, United States District Judge:

The instant petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging an order of removal was filed on November 28, 2005. Pursuant to the Real ID Act of 2005, Pub. L. No. 109-13, § 106, 119 Stat. 231, "a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of this chapter, except as provided in subsection (e) of this section." 8 U.S.C. § 1252(a)(5) (2005). The appropriate judicial circuit is the one in which the immigration judge completed proceedings. 8 U.S.C. § 1252(b)(2). Petitioner's proceedings were completed in New York, New York. Accordingly, this Court cannot hear the instant action and transfers it to the United States Court of Appeals for the Second Circuit, as a Petition for Review, pursuant to § 106 of the Real ID Act of 2005. The Clerk of the Court shall transfer this matter to the Second Circuit and close this case.

SO ORDERED.

Allyne R. Ross
United States District Judge

Dated: December 2, 2005
Brooklyn, New York

FILED
IN CLERK'S OFFICE
2005
FIVE A.M.

05 CV 5554 (ARR)

NOT FOR
PUBLICATION

OPINION AND ORDER

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